

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re: GUIDANT CORP. IMPLANTABLE
DEFIBRILLATORS PRODUCTS
LIABILITY LITIGATION

MDL No. 05-1708 (DWF/AJB)

This Document Relates to ALL ACTIONS

PRETRIAL ORDER NO. 18

This matter is before the Court on Plaintiffs' Motion to Compel Discovery of Material Redacted by Defendants. In response to Plaintiffs' discovery requests, Guidant has redacted certain portions of documents, claiming that certain FDA regulations, specifically 21 C.F.R. § 20.63(f) and 21 U.S.C. § 360i, require it to do so. The parties agree that 21 C.F.R. § 20.63(f) and 21 U.S.C. § 360i require Guidant to redact some identifying information; however, they disagree about the scope of the required redactions.

Based upon the presentations of the parties and the record before the Court, the Court concludes that 21 C.F.R. § 20.63(f) and 21 U.S.C. § 360i require Guidant to redact only information from public disclosure that specifically identifies certain patients. This information includes the names, addresses, social security numbers, electronic mail addresses, websites, telephone and facsimile numbers of the patients themselves and their treating physicians and facilities. It does not include information that *may* lead to identifiable information, such as the country or state in which an event occurred or information relating to general sales, training, or advisory calls. Therefore, no later than

September 15, 2006, Guidant is ordered to produce all previously redacted material that fails to comply with the standard set out in this Order. Guidant's future document productions must also comply with this Order.

The Protective Order in place should adequately address any concerns Guidant has about disclosure of protected material. If, in light of the Court's ruling, the parties feel that the Protective Order should be revised, the parties are directed to meet and confer about such a revision. In addition, in light of the Court's ruling, the parties are directed to meet and confer about Guidant producing a redaction/privilege log.

If, after the parties meet and confer, disputes remain about the Protective Order and/or Guidant's redaction/privilege log, the parties should apprise the Court of the status of those disputes at the telephonic status conference on September 8, 2006, and they should be prepared, if needed, to submit short expedited motions on those issues before the September 21, 2006 status conference.

Therefore, it is **HEREBY ORDERED** that Plaintiffs' Motion to Compel Discovery of Materials Redacted by Defendants (Doc. No. 386) is **GRANTED**.

Dated: August 16, 2006

s/Donovan W. Frank
DONOVAN W. FRANK
Judge of United States District Court